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200207864-1

S/N: 10/681,783

REMARKS

Entry of the above-noted amendments, reconsideration of the Application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-29 are canceled and claims 30-56 are added. These amendments to the claims constitute a bona fide attempt by Applicant to advance prosecution of the Application and obtain allowance of the pending claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the Application (e.g., ¶ 20, 26, 38-43), drawings, and previous claims and thus, no new matter has been added. Claims 30-56 are pending.

Claim Rejections - 35 U.S.C. § 101:

Claims 18-29 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully, but most strenuously, traversed.

The Office Action states:

Software constitutes "functional descriptive material". Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component. Functional descriptive material is nonstatutory when claimed as descriptive material *per se*. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. *Office Action*, 01/16/07, pg. 2 (*citation omitted*).

All of the "modules" claimed in Claims 18-23 can be implemented only as software according to page 4, para. 14 of Applicant's disclosure. Therefore, the claims as currently stated are directed to software *per se* and, therefore, encompass nonstatutory subject matter. *Office Action*, 01/16/07, pg. 2 (*emphasis in original*).

Claims 24-29 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 15, para. [46], the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., magnetic and optical medium) and intangible embodiments (e.g., electrical medium and modulated carrier signals transmitted over a network). As such, the claim is not limited to statutory subject matter and is therefore nonstatutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. *Office Action*, 01/16/07, pg. 3 (*emphasis in original*).

Without acquiescing in the rejection, Applicant respectfully submits the rejection is moot in view of the cancellation herein of claims 18-29.

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Withdrawal of the § 101 rejection is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Libes (Don Libes, Exploring Expect: A TCL-based Toolkit for Automating Interactive Programs. O'Reilly Media Inc., 1995) in view of Suchenwirth (Richard Suchenwirth, "Dynamic Variable Scoping". Accessed at //mini.net/tclrevs/2775.1. Dated: 17 December 2001). Without acquiescing in the rejections, Applicant respectfully submits the rejections are moot in view of the claim amendments presented herewith.

Applicant respectfully submits that the Examiner's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Examiner's citations to the applied references is proper, do not teach or suggest one or more elements of the claimed invention. Applicant does not acquiesce in the modification or combination of the Examiner's citations to the applied references.

Applicant respectfully submits that the Examiner's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Examiner's citations to the applied references fails to set forth a sustainable basis that the references teach or suggest, for example, employing a procedure scope that defines a plurality of local variables and a context for execution of statements, wherein the procedure scope lacks a local definition of a timeout variable; and executing an Expect statement that traverses a procedure hierarchy to find a most recently set value for the timeout variable, as recited in Applicant's independent claim 30.

For at least the reasons presented above with reference to claim 30, claims 30, 39, and 48 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for at least the same reasons as independent claims 30, 39, and 48, as well as for their own additional characterizations.

Withdrawal of the § 103 rejections is therefore respectfully requested.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 30-56.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally

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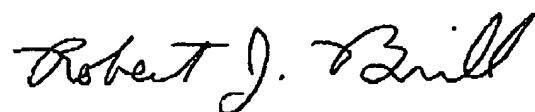
charge any fees to Deposit Account 08-2025 under 37 C.F.R. §§ 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 08-2025.

Applicant hereby authorizes charging of Deposit Account No. 08-2025 for any additional fees associated with entering the aforementioned claims.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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